

VLG v VLH and another matter

[2021] SGHCF 7

Case Number : District Court Appeal No 66 of 2020 and Summons No 67 of 2021
Decision Date : 03 May 2021
Tribunal/Court : General Division of the High Court (Family Division)
Coram : Choo Han Teck J
Counsel Name(s) : The appellant in person; The respondent in person.
Parties : VLG — VLH

Family Law – Maintenance – Child

3 May 2021

Choo Han Teck J:

1 The appellant father (the “father”) appealed against the decision of the District Judge (the “DJ”) which increased the monthly maintenance he had to pay for his daughter (the “child”) from \$660 to \$710. The parties first appeared in person before me on 25 January 2021, where I granted the father leave to reinstate the present appeal, and granted the respondent mother (the “mother”) leave to file an affidavit to show proof of the child’s school in Singapore. On 24 March 2021, the mother filed Summons No 67 of 2021 (“SUM 67”) to adduce further evidence before me pertaining to the child’s education fees.

2 At the hearing before me on 23 April 2021, I dismissed SUM 67 and allowed the father’s appeal against the \$50 increase in maintenance for the child with effect from the hearing date. I dismissed the father’s appeal regarding the clawback of the excessive maintenance he said he had to pay since 2013, which, in his view, amounted to a total of \$25,854.00. I also dismissed his appeal for the mother to repay him the additional \$50 he had been paying each month since the DJ’s order. Lastly, the father also requested for the mother to pay him the costs of the appeal, but I declined to make any order as to costs. I now give my reasons.

3 The parties to these proceedings were never married. Both parties are foreigners from the People’s Republic of China residing in Singapore, and they are both 36 years old this year. The mother is an internal customer service officer at a metal company, while the father is an IT professional. Their child was born in November 2012 and is presently 8 years old.

4 The mother first sought maintenance for the child in December 2012, and a consent order was recorded in May 2013 for \$500 per month. The mother subsequently filed several variation applications. The first of the mother’s applications was in April 2015; in May 2015, a consent order was recorded, increasing the monthly maintenance to \$600. About three years later, in April 2018, she filed her second variation application, and the maintenance was again increased to \$660 by consent. Finally, in 2020, she filed the variation application that forms the subject of the present appeal, seeking to increase the monthly maintenance from \$660 to \$750. The DJ adjusted the maintenance upwards to \$710, and the father appealed before me against the \$50 increase.

5 At the hearing before me on 25 January 2021 (the “January hearing”), the father said that the \$50 increase was ordered by the DJ on the basis that there had been an increase in the child’s school fees since the last maintenance order. According to the DJ’s Grounds of Decision (“GD”), this was based on the list of fees on the Ministry of Education’s website which showed an increase in the

monthly primary school fees for a non-ASEAN international student from 2018 to 2020 (GD at [16]).

6 At the trial before the DJ on 23 July 2020, the father expressed his doubts over whether the child was even studying in Singapore or attending the purported local school (the "School"), as the mother did not appear to be aware of certain student discounts and services available for schoolchildren. The DJ asked the mother to swear under oath that the child was studying in Singapore and enrolled in the School, and the mother did so. However, there was no evidence presented to the court to verify this. After the trial, the father contacted the School and was told that the child was not actually studying there.

7 When I asked the mother at the January hearing whether the child was actually studying in the School, she prevaricated, saying it was not related to the issue of whether the father should be allowed to file his appeal out of time, it was a fact that her daughter was attending school now, she did not know who the father spoke to at the School, the information concerning school fees was available on the Ministry of Education website, and finally saying that she did not wish to answer my question. In the circumstances, I granted leave to the father to reinstate the present appeal and granted leave to the mother to file an affidavit to show proof of the child's school in Singapore.

8 At the hearing before me on 23 April 2021 (the "April hearing"), the mother apologised and said that she had hidden certain facts previously. Contrary to what she had told the court below, her child was actually studying in China, and had left for China since she was Primary 1. The wife also said she wished to adduce further evidence in SUM 67 pertaining to the child's education fees in China.

9 I agreed with the father that there were serious issues with the mother's credibility, given her admission that she had lied to the DJ under oath, and her continued concealment of the true facts before me at the January hearing. The father also cited various examples of her credibility issues over the past 8 years, including her conduct in the trial below. I therefore dismissed SUM 67 for her to adduce additional evidence, as I had doubts about the credibility and reliability of such evidence. In any event, such evidence would have been available to her at the proceedings in court below since the child was studying in China then.

10 Second, the \$50 increase in maintenance was ordered on the basis that the child was studying in the School and the fees had increased. Since this was subsequently revealed to be false, there was no basis for the order made by the DJ. I therefore allowed the father's appeal against the DJ's \$50 increase.

11 Third, the father also argued that, given the mother's past lies, he had sufficient reason to question if the child had been raised in Singapore at all. On that basis, he said that the reasonable monthly maintenance fee to support the child would have to be reconsidered as the cost of living in China was lower. He therefore argued that the mother should repay him the excessive maintenance fees he had had to pay over the past 8 years, which, by his calculations, amounted to a total of \$25,854.00. He also requested for the mother to repay him the additional monthly \$50 he had had to pay for the child since the DJ's order.

12 However, there was no evidence as to when the child had left for China besides the mother's unsupported admission, and the exact amount that would actually have been required to maintain the child had she been living in China all this time is hard to discern. In any event, the child would have required the money for her expenses anyway. I therefore dismissed the father's appeal in this regard. I also ordered that the \$50 downward variation would only be effective from the date of the April hearing.

13 The mother had applied several times for variation of the orders, to increase the maintenance for the child. They were all made within a short period of time. All of this, including her record of false claims, will be taken into account should she make another variation application in the future. Greater scrutiny of the evidence will be required.

14 Finally, given the mother's dishonesty, the father submitted that I should order her to pay him the costs of the appeal. Although no court will condone a party lying under oath, I nevertheless declined to make any order as to costs, since both parties here were unrepresented.

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